



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 20, 1995

Ms. Lan P. Nguyen  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR95-1490

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 33626.

The Houston Police Department (the "department") received an open records request for information concerning DNA and lie detector tests to which the requestor submitted. You advise us that the City of Houston (the "city") informed the requestor that the custodian of records would contact him regarding the release of the requested records, except for one document which the city asserts is excepted from required public disclosure under section 552.108 of the Government Code.

Section 552.108 of the Government Code, sometimes referred to as the law enforcement exception, provides as follows:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

Section 552.108 excepts from required public disclosure all information related to cases under active investigation except certain basic information ordinarily appearing on the first page of the offense report and in other records of law enforcement agencies relating to arrests. Examples of the categories of information that are excepted from required public disclosure include

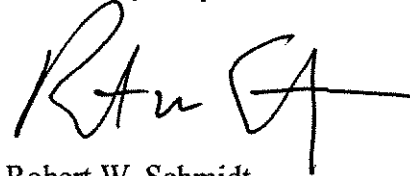
- (a) information identifying and describing witnesses;
- (b) the summary of a confession;
- (c) an investigator's views regarding the guilt of a suspect or the credibility of witnesses;
- (d) statements made by informants;
- (e) the records of property confiscated at the scene of a crime; and
- (f) laboratory and test results.

Open Records Decision No. 127 (1976) at 4.

We have reviewed the information that the city has submitted for our consideration and conclude that the document at issue relates to a pending criminal investigation and contains the types of information that are excepted from required public disclosure under section 552.108 of the act. Therefore, the requested document may be withheld from required public disclosure except to the extent that it contains first page offense report information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'R. Schmidt', followed by a large, stylized flourish or checkmark-like stroke.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref: ID# 33626

Enclosures: Submitted documents

cc: Mr. Charles A. LeBlanc  
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Oakdale, Louisiana 71463-5000  
(w/o enclosures)